

fix and regulate the fees of all officers," etc., have made some progress in the same, and ask leave to sit again.

Adopted.

The President in the chair.

The Senate went into executive session.

IN SENATE.

The Secretary of the Senate was instructed to inform His Excellency, the Governor, that the Senate does advise and consent to all his appointments of Notaries Public, made in his message of yesterday, the sixth instant.

A message was received from the House, announcing that that body has adopted the report of the Committee of Free Conference on the disagreement between the two Houses on substitute for Senate Bills Nos. 73, 74 and 86: "An Act to define the duties of County Attorneys and regulate the performance of the same."

On motion of Senator Piner, the Senate adjourned until to-morrow at 8:30 A. M.

SIXTY-NINTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, July 8, 1876. }

Senate met pursuant to adjournment. Roll called. Quorum present. Prayer by the Chaplain.

Journal of yesterday adopted.

President in the chair,

Senator Crain presented the memorial of Mrs. Julia Thurmond (widow of the late Alfred S. Thurmond), "stating that she and a minor son are joint owners of Shell Bank Island, in Aransas county, granted by the Legislature to her deceased husband, May 6, 1873; that she fears efforts will be made in this Legislature to transfer said island to the Aransas Railroad Company, and she therefore asks that the rights of herself and minor son may be protected."

Referred to Committee on Internal Improvements.

Also a memorial from W. W. Dunlap, "stating that he is the owner of 160 acres of land on Harbor Island, which has cost him a dollar per acre, and that at the time the location was made the Aransas Railroad Company had ceased to exist, being a total loss to the stockholders, but not to the managers; that said land was located with scrip sold by the State, with the right to locate the same on the island; that said Railroad Company has forfeited all rights, and he therefore prays that its charter may not be revived, etc."

Referred to Committee on Internal Improvements.

Senator Douglass, Chairman of Committee on Internal Improvements, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Internal Improvements have had under further consideration Senate Bill No. 275, to be entitled, "An Act to encourage the construction of railroads, by donations of land," and instruct me to report the bill back with the following amendments, and recommend its passage:

In Section 3, line 3, strike out amendment by Senator Storey.

Strike out Section 4.

Strike out Section 5.

Amend Section 6 so as to read, "Section 5."

DOUGLASS, *Chairman*.

On motion of Senator Douglass, the bill was made the special order for Monday next at 11 o'clock A. M., and from day to day until disposed of.

Senator F. M. Henry, from the Committee on Internal Improvements, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Internal Improvements, to whom was referred House Bill No. 375, "An Act entitled, 'An Act for the relief of the Tyler Tap Railroad Company,'" have had the same under consideration, and instruct me to report it back to the Senate, and recommend that it do pass.

F. M. HENRY, *for Committee*.

On motion of Senator Piner, the rules were suspended, and House Bill No. 191, "An Act to provide for the transfer of business, civil and criminal, pending in the District Courts, over which jurisdiction is given by the Constitution to the Justices' Courts, to the several Justices' Courts of this State," was taken up and read first time.

Senator Piner moved a further suspension of the rules to place the bill on its second reading.

Carried, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Carroll, Crain, Douglass, Francis, Grace, Guy, Henry J. R., Hobby, Martin, McLeary, McCulloch, Moore, Motley, Piner, Ripetoe, Stephens, Thompson, Wortham—23.

NAYS—None.

NOT VOTING—Senators Edwards, Ford, Henry F. M., Storey, Terrell—5.
The bill was read second time.

Senator Piner offered the following amendment:

Amend by making this Section 4:

"SEC. 4. All cases which have been taken up by appeal from the Courts of Justices of the Peace, whose jurisdiction was increased by special law, when the amount in controversy was more than \$500, or less than \$20, shall remain for final trial in the District Court."

Adopted.

Senator Piner offered the following amendment:

Amend Section 2 by adding, at the end, "and the several courts to which such causes are transferred shall have power to issue all process necessary to carrying out the jurisdiction of such courts."

Adopted.

Senator Piner moved to still further suspend the rules and place the bill on its third reading.

Carried, by the following vote:

YEAS—Senators Blassingame, Brady, Brown, Burton, Carroll, Crain, Douglass, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Martin, McLeary, McCulloch, Moore, Motley, Piner, Ripetoe, Stephens, Storey, Thompson, Wortham—25.

NAYS—None.

NOT VOTING—Senators Ball, Edwards, Terrell—3.

Bill read third time and passed by the following vote:

YEAS—Senators Blassingame, Brady, Brown, Burton, Carroll, Crain, Francis, Grace, Guy, Henry J. R., Henry F. M., Hobby, Martin, McLeary, McCulloch, Moore, Motley, Piner, Ripetoe, Stephens, Storey, Thompson, Wortham—23.

NAYS—None.

NOT VOTING—Senators Ball, Douglass, Edwards, Ford, Terrell—5.

The President, after publicly reading its caption, signed Senate Bill No. 286, "An Act to transfer and re-appropriate the unexpended balance remaining on hand of the appropriation to pay Supreme Court Clerk's fees in felony cases, appropriated under act of March 15th, 1875, to pay Clerks of the Appellate Court for fees in felony cases," which had duly passed both Houses.

A message was received from the House, announcing the passage, by that body, of Senate Joint Resolution No. 250, "Instructing our Senators and requesting our Representatives to secure, if possible, the permanent establishment of a line of steam vessels to carry the United States mail, once a week, between the city of Galveston and Brazos Santiago."

Also, House Bill No. 7, substitute for Senate Bill No. 1, "An Act to suspend the collection of the road and bridge tax levied for the year 1876, in certain cases."

Senate Bill No. 137, being the unfinished business, was taken up, and the Senate went into the Committee of the Whole, to consider the same.

Senator Hobby in the chair.

IN SENATE.

Senator Hobby, Chairman of the Committee of the Whole Senate, reported that the committee had had under consideration Senate Bill No. 137, "An Act to fix and regulate fees of all officers of the State," have adopted a number of amendments thereto, and recommend that the bill, as amended, do pass.

The report of the committee was adopted.

Amendments to Senate Bill No. 137, adopted in the Committee of the Whole:

Add to Section 2, the following:

For each affirmance of judgment, or dismissal in a felony case, \$20.00.

For each case of *habeas corpus* heard before the Court of Appeals, \$25.00.

For each affirmance of judgment in cases to which the State may be a party, involving pecuniary liability to the State, 10 per cent. on the amount involved, if under one thousand dollars, and 5 per cent. for all above that sum; to be paid out of the money when collected.

For all cases involving the forfeiture of charters, heard on appeal, before the Supreme Court of Appeals, \$25.00: *provided*, the whole amount of fees shall not exceed two thousand dollars per annum.

Adopted.

Amendment to Section 6, line 19, "To be paid by the executor, administrator or guardian."

Adopted.

Amend Section 6 by striking out lines 28 and 29.

Adopted.

Amend Section 6 by adding to the end of line 31, the words, "to be paid by the defendant if convicted."

Adopted.

Amend Section 6 by adding the following: "For every case of lunacy disposed of by him, three dollars; to be paid by county."

Adopted.

For presiding over the Commissioners' Court, ordering elections, making returns, and transcribing all other county business not otherwise provided for, such sum as shall be allowed by the County Commissioners' Court.

Adopted.

Amend Section 7 by adding to the section: "For each *habeas corpus* examination in felony cases, \$25; to be paid by the State: *provided*, that only one fee shall be paid in each cause without regard to the number of defendants."

Adopted.

Amend Section 7, line 12, by striking out, "twenty," and inserting, "ten."

Adopted.

Amend Section 7, after the word, "State," in line 10, by inserting, "and in each case of felony, wherein the defendant is afterwards convicted, represented by the County Attorney in examining courts, the sum of ten dollars; to be paid by the State."

Amend Section 7, line 11, by inserting after the word, "State," the words, "or county."

Adopted.

Also, insert after the word, "appeals," in line 7, the words, "or escapes after appeal taken before final judgment of Appellate Court."

Adopted.

Amend Section 8 by adding: "It shall be the duty of the District Judge at each term of the court to inquire into and examine the amount of labor actually and necessarily performed by the Clerk in the care and preservation of the records of his office, in making and keeping the necessary indexes thereto, and other labor of a like class, and to allow said Clerk a reasonable compensation therefor, not to exceed the fees herein allowed for services requiring a like amount of labor; to be paid out of the County Treasury upon the sworn account of the said Clerk, approved by the District Judge."

Adopted.

Amend Section 8 by adding to line 62 the following: "For making out and transmitting the records and proceedings of each cause, civil and criminal, to the County or Justice Court, per 100 words, 20 cents."

Adopted.

Amend Section 8, line 4: Strike out, "50 cents," and insert, "75 cents."

Adopted.

Amendment to Section 8: "For making general indexes to all causes in District Courts, 15 cents per 100 words, to be paid by the County Court."

Adopted.

Add to Section 9 the following: "For each acknowledgment, 50 cents."

Adopted.

For each acknowledgment of husband and wife, \$1.50.

Adopted.

For each declaration of citizenship, \$1.

Adopted.

For each letter of citizenship, with decree, \$2.50.

Adopted.

For license to practice law, \$5.

Adopted.

Add to Section 9: "All Clerks and their deputies are hereby prohibited from charging any fees or commissions for writing deeds, mortgages, bills of sale or any other conveyance for any person, unless they pay tax as conveyancers."

Adopted.

Amend Section 9, by adding: "It shall be the duty of the County Judge, at each term of the Court, to inquire into and examine the amount of labor actually and necessarily performed by the Clerk, in the care and preservation of the records of his office, in the making and keeping of the necessary indexes thereto, and other labor of a like class, and to allow said Clerk a reasonable compensation therefor, not to exceed the fees herein allowed for services requiring a like amount of labor, to be paid out of the County Treasury, upon the sworn account of said Clerk, approved by the County Judge."

Adopted.

Amend Section 10 by adding to line 61: "For conveying a witness attached by him to any Court out of his county, his actual necessary expenses by the nearest practicable public conveyance; the amount to be stated by him under oath, and approved by the Judge of the Court issuing the attachment."

Adopted.

Amend Section 10 by adding to line 69: "And for every day the Sheriff or his deputies attend the District and County Courts, he shall receive two dollars a day, to be paid by the county, for each day that the Sheriff, by himself or a deputy, shall attend said courts."

Adopted.

Amend by striking out Section 13.

Adopted.

Amend by adding the following as a substitute for Section 13:

"SEC. 13. The County Commissioners shall receive the following fees: Each Commissioner shall receive three dollars per day for each day he is engaged as a member of a term of the County Commissioners' Court: *provided*, no per diem shall be paid such Commissioners for more than one special term per month."

Adopted.

Add to Section 14: "*Provided*, that he shall receive no commission for receiving money from his predecessor, or for paying over money to his successor in office."

Adopted.

The following was substituted for Section 14:

"SEC. 14. County Treasurers shall receive the following fees: On all moneys received in the Treasury, not more than two and one-half per cent., except school fund, in counties of eight thousand inhabitants and over, and not more than five per cent. in counties of less than eight thousand; on all moneys paid out of the Treasury, not more than two and one-half per cent., except school fund, in counties of eight thousand

inhabitants and over, and not more than five per cent. in counties of less than eight thousand inhabitants."

Adopted.

Add to Section 14: "The commissions of the County Treasurer shall be fixed by the County Commissioners' Court, within the limits prescribed in this section."

Adopted.

Amend Section 29 by adding: "That all laws and parts of laws in conflict with this act are hereby repealed."

Adopted.

Amend by adding the following section, to be numbered Section 30:

"SEC. 30. The fact that many of the officers, whose fees are herein provided for, are now acting without adequate fees, constitutes a public necessity and an emergency which requires that this act should have immediate effect, and it is hereby enacted that this act take effect and be in force from and after its passage."

Adopted.

Amendments offered in the Senate:

Add to Section 9: "There shall be allowed to said Clerk of the County Commissioners' Court such books, stationery and office furniture as may be necessary for his office, to be paid on the order of the County Court, out of the County Treasury, and a suitable office shall also be provided by the County Court at the expense of the county."

Adopted.

Amend Section 6 by adding at the end of line 4: "To be deposited by the plaintiff at the time of the filing of the suit, and should any plaintiff make oath that he is too poor to pay said fee, then there shall be no fee demanded or received by the County Judge, from either the plaintiff or defendant in said suit."

Senator Storey moved the previous question on the pending amendment and bill.

Seconded, and the main question ordered by the following vote:

YEAS—Senators Ball, Blassingame, Douglass, Francis, Grace, Guy, Henry F. M., Hobby, McLeary, McCulloch, Moore, Motley, Stephens, Storey, Terrell—15.

NAYS—Senators Brady, Brown, Burton, Carroll, Crain, Ford, Henry J. R., Martin, Piner, Ripetoe, Thompson, Wortham—12.

NOT VOTING—Senator Edwards—1.

Senator Thompson's amendment was lost by the following vote:

YEAS—Senators Ball, Douglass, Motley, Piner, Terrell, Thompson—6.

NAYS—Senators Blassingame, Brady, Brown, Burton, Carroll, Crain, Edwards, Francis, Ford, Grace, Guy, Henry, J. R., Henry F. M., Hobby, Martin, McLeary, McCulloch, Moore, Ripetoe, Stephens, Storey, Wortham—22.

On motion of Senator Hobby, the bill was then engrossed by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Carroll, Crain, Douglass, Edwards, Francis, Grace, Henry J. R., Henry F. M., Hobby, McLeary, Motley, Stephens, Storey—16.

NAYS—Senators Brady, Burton, Ford, Guy, Martin, McCulloch, Moore, Piner, Ripetoe, Terrell, Thompson, Wortham—12.

President in the chair.

A message was received from the House, announcing the passage, by

that body, of substitute for Senate Bill No. 119, "An Act to regulate the proceedings, in the County Court, pertaining to estates of deceased persons," with sundry amendments to the same.

A message was received from His Excellency, the Governor.

Senator Terrell, by leave, introduced a bill, entitled, "An Act to amend an act to incorporate the Georgetown and Rockdale Railroad Company," approved March 13th, 1875.

Read by caption and referred to the Committee on Internal Improvements.

Senator Stephens, Chairman of the Committee on Engrossed Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate Bill No. 295, "An Act to suppress lawlessness and crime in certain parts of the State," and find the same correctly engrossed.

STEPHENS, *Chairman.*

Senator Grace, Chairman of the Committee on Enrolled Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Enrolled Bills have carefully examined, compared and found correctly enrolled, Senate Bill No. 286, entitled, "An Act to transfer and re-appropriate the unexpended balance remaining on hand of the appropriation to pay Supreme Court Clerk's fees in felony cases, appropriated under act of March 15, 1875, to pay Clerks of the Appellate Court for fees in felony cases."

The same has been properly signed and presented to the Governor this day, at 9:20 o'clock A. M., for his approval.

GRACE, *Chairman.*

Senator Wortham, from the Committee on Engrossed Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills have carefully read, examined, and compared the following Senate Bills, and find them correctly engrossed:

Senate Bill No. 191—"An Act to provide for the archiving of criminal causes in the District and County Courts."

Senate Bill No. 261—"An Act to create a standing Treasury Committee."

Senate Bill No. 98—"An Act to provide annual pensions for the surviving soldiers of the Texan Revolution, and the surviving signers of the Declaration of Texas Independence, and the surviving widows of such soldiers and signers."

Senate Bill No. 259—"An Act to transfer suits and unfinished business pending in courts of Justices of the Peace at the time of the adoption of the Constitution of 1875 for the State of Texas, to the courts of Justices of the Peace of the precincts in which said suits should be tried."

WORTHAM, *for Committee.*

Senator Edwards, Chairman of Conference Committee on the part of the Senate, with regard to the differences of the two Houses on House Bill No. 641, "An Act to organize Commissioners Courts," etc., submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

The Conference Committee, on the disagreement of the two Houses on Senate amendments to House Bill No. 641, "An Act to organize Commissioners Courts, and to define their jurisdiction and duties, and provide for vacancies therein," have met, and considered the same, and make the following report:

That the House concur in Senate amendment to Section 5.

That the Senate recede from its amendment to Section 11.

That the House accede to Senate substitute for Section 13.

That the Senate recede from the amendment to Section 15.

That the House concur in the amendment to Section 18.

That the Senate recede from the amendment to Section 20.

Your Conference Committee would further report that they find a clerical error in the second line of the amendment to Section 10. The words, "Commissioners' Courts," should be inserted after the word, "county."

Respectfully submitted,

BALL.

EDWARDS,

KINNISON,

WURZBACH,

LATHROP,

} *Senate Committee.*

} *House Committee.*

Senator Storey, by leave, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Finance, to whom was referred House Bill No. 233, "An Act to authorize and require the State Board of Education to invest the proceeds of the sale of university lands now in the State Treasury in six per cent. State bonds," have had the same under consideration, and report it back to the Senate and recommend its passage.

STOREY, *Chairman.*

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Finance, to whom was referred House Bill No. 334, "An Act to authorize the State Board of Education to collect and invest the interest due on the bonds belonging to the Agricultural College in six per cent. State bonds," have had the same under consideration, and report it back to the Senate with the recommendation that it do pass.

STOREY, *Chairman.*

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Finance have had under consideration House Bill No. 380, "An Act to amend Section 1 of an act entitled, 'An Act to authorize the United States bonds now in the Treasury to the credit of the permanent school fund to be disposed of, and the proceeds thereof invested in State bonds; likewise to invest in the same manner the funds now in the Treasury to the credit of said fund, or that may hereafter be received from all sources,' and I am instructed by a majority of the committee to recommend the passage of the bill, with the following amendments:

Amend the caption by adding the words, "passed at the present session of the Legislature."

Insert in Section 1, line 10, after the word, "Treasury," the following, "issued to the State of Texas, and belonging to the permanent school fund."

STOREY, *Chairman.*

On motion of Senator Storey, the rules were suspended by the following vote, to place the bill on its second reading :

YEAS—Senators Ball, Blassingame, Brown, Carroll, Crain, Douglass, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Hobby, McCulloch, Moore, Motley, Stephens, Storey, Terrell, Wortham—20.

NAYS—Senators Brady, Henry F. M., McLeary, Piner, Ripetoe—5.

NOT VOTING—Senators Burton, Martin, Thompson—3.

The bill was then read second time, and the report of the committee recommending amendments was adopted.

Senator Brady moved a call of the Senate.

Motion seconded, roll called and Senate announced as being full.

On motion of Senator Terrell, the Senate adjourned until 4 o'clock this afternoon.

AFTERNOON SESSION.

Senate met pursuant to adjournment. President *pro tem.* in the chair.

House Bill No. 380, "An Act to amend Section 1 of an act entitled, 'An Act to authorize the United States bonds, now in the Treasury to the credit of the permanent school fund, to be disposed of, and the proceeds thereof invested in State bonds; likewise to invest in the same manner the funds now in the Treasury to the credit of said fund, or that may hereafter be received from all sources,'" being the unfinished business was taken up.

The President in the chair.

Senator Storey, as Chairman of the Committee on Finance, asked leave of the Senate to present an official statement in behalf of that committee, and in reply to the minority report made heretofore by the Senator from Harris (Senator Brady), for said committee, and that the same appear in the journals.

The President, no-one objecting, ordered the statement to appear on the journals, as follows:

MR. PRESIDENT: So much has been said by the Senator from Harris upon this floor, and, through his minority report, to the country, upon the subject of the sale of the United States bonds belonging to the permanent school fund, and the investment of the proceeds in the bonds of the State, and some of the prominent journals of the State having copied his minority report, and evidently taking it to be true, have, by their criticisms, created a wide-spread and erroneous opinion of the right and propriety of the Legislature passing the finance bills upon that subject, I am constrained, as an humble member of this Legislature, and as Chairman of the Senate Finance Committee, as a question of privilege, to say :

1. That the Constitution requires that the Comptroller shall invest the proceeds of such sales (school lands), and of those hereafter made, as may be directed by the Board of Education herein provided for, in the bonds of this State, if the same can be obtained; otherwise, in United States bonds; and the United States bonds now belonging to said fund (school fund), shall likewise be invested in State bonds, if the same can be obtained on terms advantageous to the school fund."

Here is the requisition upon the Comptroller and Board of Education: "They shall sell; they shall invest in State bonds," is the lan-

guage of the Constitution; and they and the State Board of Education, believing it to be to the best interest of the permanent school fund to make the sale and investment, are before us in the bills already passed, and the one now under consideration, asking for the necessary legislation to enable them to carry out this very provision of the Constitution. So much for the constitutional right to pass the bill.

Now, as to the propriety, I have this to say: I find that there is now in the Treasury,

In currency.....	\$342,681 23
In gold.....	15,827 39
In United States six per cent. bonds.....	117,300 00
In United States five per cent. bonds.....	357,550 00
Total.....	\$833,358 62

These bonds are now worth, in New York, from 117 to 121½, say our telegrams; and if now sold, will increase the permanent school fund about \$90,000, and thus, instead of having a fund of \$833,358 62, it will be increased to \$923,358 62.

Again, we can only invest either in State bonds, or in United States bonds; and if in the latter, we will have to pay at least 117 for every dollar of bonds we buy; and I believe it unnecessary to make such a sacrifice when, by purchasing from the State, the board can get State bonds at par. But the Senator from Harris prefers, if the board should make this investment, that they should go into the market and buy from others; and, to this, we reply, that the bonds of the State in New York are now quoted at from 102 to 110 on the dollar; and, in the city of Austin, a printed bond, known as the pension bond, can be sold at 107, and there is but one bond of the State quoted under par, and that is the 6 per cent. currency bond of small denomination, and not regarded as a good commercial bond; and it is quoted at 94 cents on the dollar. This is a currency bond; while the school board believe, and all financial men know, that a gold bearing bond is the best for a school fund. Then why should we adopt the ideas of the Senator from Harris, and go further from home and fare worse?

Again, there is nothing in either of the bills that proposes to take the control of this matter out of the hands of the School Board of Education where the Constitution lodges it. Nothing in the bill requires them to make the sale and investment if they do not see proper to do so. They are the trustees of the fund under the Constitution. This bill does not increase their power of discretion, nor does it diminish either, but simply gives them the necessary legislation to carry out a constitutional provision with less expense and trouble than would otherwise be required.

The United States bonds, now in Treasury, cost the school fund about 112; at the same time that purchase was made, State bonds, now worth 104 to 110, could have been had at 70 cents on the dollar, but under the Constitution then in force, the school fund could only be invested in United States bonds; and we thus lost about 40 cents on the dollar, and the difference between 6 per cent. and 10 per cent. interest. That was indeed a beautiful financial scheme forced upon us by the Constitution of 1869, and the Senator would have that clause virtually retained and practiced by the School Board of Education.

The Democratic people of Texas, thinking differently, have spoken in thunder tones in the adoption of the new Constitution, and sent up to this Legislature Democratic members enough to enforce its provisions, and he (the Senator) is not responsible.

So far as the other bill, providing for the issuance of State bonds is concerned, I repeat that the Senator from Harris is again at fault.

That bill proposes to sell bonds to the amount of \$1,675,000, or in bonds to bear 6 per cent. interest due in thirty years, and this money is to be used only for the purpose of paying off the interest-bearing debt, nearly all bearing ten per cent. interest, except \$200,000 deficiency and outstanding warrants, \$42,721 29 already issued and long since due, and not one dollar of it to pay the per diem pay of members of the Legislature, as stated by the Senator from Harris. This much I have seen proper to say as a question of privilege, because I am urged to do so by honorable Senators, some of whom have grown gray in the defence of Texas and the Democratic party.

STOREY, *Chairman Finance Committee.*

Senator Grace moved the previous question, which was seconded and the main question ordered.

The bill then passed to a third reading.

On motion of Senator Storey, the rules were suspended to place the bill on its third reading, by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Carroll, Crain, Douglass, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, McLeary, McCulloch, Moore, Motley, Piner, Storey, Thompson, Wortham—22.

NAYS—Senators Brady, Burton, Martin, Ripetoe—4.

NOT VOTING—Senators Stephens, Terrell—2.

The bill was then read third time, and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Carroll, Crain, Douglass, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Hobby, McLeary, McCulloch, Moore, Motley, Piner, Storey, Terrell, Thompson, Wortham—22.

NAYS—Senators Brady, Burton, Henry F. M., Martin, Ripetoe—5.

NOT VOTING—Senator Stephens—1.

On motion of Senator Crain, the Senate adjourned until Monday morning at 9 o'clock.

SEVENTIETH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, July 10, 1876. }

Senate met pursuant to adjournment. President in the chair. Roll called. Quorum present. Prayer by Rev. Mr. Stanton, Chaplain of the House.

Journal of Saturday adopted.

Senator Thompson presented the petition of the county officials of Wharton county, asking the passage of a special act, "authorizing the holding of a special term of the District Court in their county, in August next," as the regular term of their court will not be held until December next, and giving various other reasons for their request.

Referred to Judiciary Committee No. 2.